

2009 SESSION

SENATE SUBSTITUTE

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HOUSE BILL NO. 2258

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 19, 2009)

(Patron Prior to Substitute—Delegate Massie)

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 28 of Title 54.1 a section numbered 54.1-2818.4, relating to exemption from liability for routine organ and tissue donation; funeral homes.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 28 of Title 54.1 a section numbered 54.1-2818.4 as follows:

§ 54.1-2818.4. Immunity from liability for services after routine organ and tissue donation.

Unless such act, decision, or omission resulted from bad faith or malicious intent, any funeral service establishment, funeral service licensee, crematory, or registered crematory that receives a body following routine donation of organs, tissues, or eyes, and provides embalming, cremation, or other funeral services, shall be immune from civil liability for any act, decision, or omission related to the handling, processing, or presentation of the decedent, including any failure to restore such decedent's form or features in a manner acceptable for viewing prior to the final disposition of the remains.

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